

Appl. No. 09/822,986  
Amdt. Dated 10/13/2005  
Reply to Office Action August 23, 2005

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed August 23, 2005. In the Office Action, claims 1-15 and 17-23 were rejected under 35 U.S.C. §103. Applicants respectfully traverse these rejections in their entirety. Claims 13 and 19 have been amended. Claims 22 and 23 have been added. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***First Rejection Under 35 U.S.C. § 103***

Claims 13-15 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Waldin (U.S. Patent No. 6,094,731) in view of Menezes (a publication entitled "Handbook of Applied Cryptography") and Chang (U.S. Patent No. 5,724,425). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).* Herein, at a minimum, the combined teachings of the cited references do not describe or suggest all the claim limitations.

For instance, with respect to claim 13, Applicants respectfully submit that neither Waldin, Menezes nor Chang, alone or in combination, describes or even suggests entering into an isolated execution mode only if the file does not have a corresponding digital signature chain. In contrast with the statement in the Office Action that Waldin (col. 6, lines 18-65) provide such teachings, Applicants respectfully disagree. Applicants have been unable to locate any discussion or suggestion in Waldin, Menezes or Chang that the isolated execution mode, apparently considered to be the mode of operating during scanning, is entered into only if the file does not have a corresponding digital certificate chain. In fact, Waldin deviates from such teachings because the

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operation of the antivirus scan module 3 is not dependent on the presence or absence of the digital signature chain.

Hence, claim 13 is allowable and the outstanding §103(a) rejection should be withdrawn.

In addition, based on the dependency of claims 14-15 and 17-18 on independent claim 13, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 13-15 and 17-18 is respectfully requested.

***Second Rejection Under 35 U.S.C. § 103***

Claims 1-5 and 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Waldin in view of Menezes and Garney (U.S. Patent No. 5,386,552). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. However, Applicant notes that claim 1 has been amended to include the limitation that the memory including the file analyzer is coupled to *and is physically separate from* the processor. *Emphasis added.* This is an important distinction because this memory is claimed to include an isolated memory area, which is a portion of the memory *accessible by the processor only when the processor is operating in an isolated execution mode.* *Emphasis added.* Neither Waldin, Menezes nor Garney, alone or in any combination, teaches or even suggests creation and use of an isolated region of platform memory, namely memory physically separate from the processor, to protect the contents of such memory. This avoids the need for memory-intensive processors to quickly recover information in a secure manner.

In addition, claim 10 is directed to a time stamper coupled to the encryptor to time stamp the encrypted result using a time indicator, where the "time indicator" provides information regarding a recentness of the scan operation. Applicants respectfully disagree with the allegations set forth in the Office Action that Waldin (col. 4, lines 64 – col. 5, line 50) provides such teachings, and respectfully requests the Examiner to point out where such teachings are disclosed.

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In addition, based on the dependency of claims 2-5 and 9-12 on independent claim 1, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 2-5 and 9-12 is respectfully requested.

***Third Rejection Under 35 U.S.C. § 103***

Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Waldin in view of Menczes, Garney and Swaney (U.S. Patent No. 4,488,232). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. However, these claims are dependent on claim 1, and thus, are allowable if the corresponding independent claim 1 is held allowable. Hence, the withdrawal of the §103(a) as applied to claims 6-8 is requested.

***Fourth Rejection Under 35 U.S.C. § 103***

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Waldin in view of Menczes and HP (EP 1030237). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. Herein, claim 17 includes the limitation of issuing *the digital signature chain with an indication that the file integrity is unacceptable* if the integrity of the file is analyzed and determined to be unacceptable. *Emphasis added.* In contrast, HP teaches a Boolean value stored within memory to indicate a lack of integrity of the platform, but does not teach or suggest the digital signature chain with such features as claimed.

Hence, the withdrawal of the §103(a) as applied to claim 17 is requested.

***Fifth Rejection Under 35 U.S.C. § 103***

Claims 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Waldin in view of Menczes, Chang and Garney. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. However, Applicant notes that claim 19 has been amended to include the limitation of code for determining whether a digital

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signature chain accompanies a file to be accessed, and for entering into an isolated execution mode *only if the file does not have a corresponding digital signature chain. Emphasis added.* Neither Waldin, Menczes, Chang nor Garney, alone or in any combination, teaches this limitation and Applicants further incorporate the argument of claim 13 set forth above. Hence, claim 19 is in condition for allowance and withdrawal of the §103(a) rejection is requested.

As for claims 20-23, these claims are dependent on claim 19, and thus, are allowable if the corresponding independent claim 19 is held allowable. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 20-23 is respectfully requested.

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**Conclusion**

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 10/13/2005

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